

10/555,921

Upon reviewing the Callan et al. '038 publication (U.S. serial no. 10/342,667), it is noted that Callan et al. '038 was only published on July 17, 2003—which is after the May 30, 2003 priority date of the above identified application—and as the inventive subject matter of the above identified application was contained in the GB 0312343.7 priority application, it is respectfully submitted that publication of Callan et al. '038 is not a proper prior art reference under the first section of 35 U.S.C. § 102(e). Moreover, it is respectfully submitted that Callan et al. '038 is also not a proper citation under the second section of 35 U.S.C. § 102(e) since there is not a corresponding "patent granted on an application for patent by another filed in the United States" (Emphasis added)—U.S. serial no. 10/342,667 is abandoned. In view of the above, it is respectfully submitted that the raised rejection in view of Callan et al. '038 should be withdrawn at this time.

Lastly, claim 21 is rejected, under 35 U.S.C. § 103, as being unpatentable in view of Callan et al. '038 and Hagin et al. '020 (United States Patent No. 4,778,020). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional reference of Hagin et al. '020 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of Hagin et al. '020 with the base reference of Callan et al. '038 is not proper combination for the above noted reasons. As such, the raised obviousness rejection in view of Callan et al. '038 and Hagin et al. '020 should also be withdrawn at this time in view of the above remarks.

If any amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Callan et al. '038 and/or Hagin et al. '020 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the

10/555,921

raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com